

1 Honorable Thomas S. Zilly
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 DAVID R. MENDOZA,

14 Defendant.
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No. CR06-0466 TSZ

UNOPPOSED MOTION TO
CONTINUE TRIAL

NOTE ON MOTION CALENDAR:
JUNE 12, 2009

16 COMES NOW Defendant David R. Mendoza, by and through his attorneys, Jeffery
17 P. Robinson and Colette Tvedt of Schroeter, Goldmark & Bender and moves this Court for a
18 motion to continue the trial date in this matter from June 29, 2009, to August 10, 2009, and to
19 continue the related motions deadline and Pretrial Conference hearing.

20 Counsel for Plaintiff United States of America, Assistant United States Attorney
21 Susan Roe, does not oppose this motion.

22 This motion is made on the following grounds:

23 After Mr. Mendoza was taken into custody by the U.S. Marshals on May 1 (see Dkt.
24 29), he was arraigned on May 4, 2009 (Dkt. 27). On May 5 and 6, defense counsel were
25 presenting to the Alaska State Bar in Juneau, Alaska. Prior commitments and the fact that
26 the FDC Seatac was closed for part of the day on May 7, prevented counsel from meeting

1 with Mr. Mendoza for several days. Additionally, Mr. Robinson became ill on May 12 and
2 was out of the office for a week; he did not return to the office until May 21. Once Mr.
3 Robinson was back to work, he was engaged in intense trial preparation in the matter of
4 Mario Interiano vs. Wrought Corporation Inc., King County Superior Court Cause No. 07-2-
5 26071-4-SEA; trial in that case began before Judge Mary Yu on May 26, immediately
6 following the Memorial Day holiday, and is expected to last two weeks. Mr. Robinson and
7 Ms. Tvedt have a previously arranged commitment to the National Criminal Defense College
8 in Macon, Georgia, the week of July 13, 2009. Mr. Robinson will also be required to go to
9 Guantanamo Bay, Cuba, once in June 2009 – a trip that takes five days to travel there and
10 back.

11 The parties have been involved in active discussions to resolve the case.

12 If this matter cannot be resolved prior to trial, defense counsel cannot be prepared to
13 effectively represent Mr. Mendoza at trial without additional time. Therefore, Mr. Mendoza
14 requests a six-week continuance of the trial, from June 29 to August 10, 2009. This
15 additional time would allow the parties to either resolve the matter in its entirety or to be
16 completely prepared for and ready to go to trial on August 10, 2009.

17 For the foregoing reasons, Mr. Mendoza respectfully submits that this continuance is
18 necessary and in the interest of justice.

19 Mr. Mendoza requests a continuance of the motions deadline, the Pretrial Conference,
20 and the trial date.

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1 A proposed order and a waiver of speedy trial are submitted with this motion.
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DATED this 2nd day of June, 2009.

Respectfully submitted,

s/ Jeffery P. Robinson

JEFFERY P. ROBINSON
COLETTE TVEDT
Counsel for Defendant David R. Mendoza
SCHROETER, GOLDMARK & BENDER
810 Third Avenue, Suite 500
Seattle, WA 98104
Phone: (206) 622-8000
Fax: (206) 682-2305
Email: robinson@sgb-law.com
tvedt@sgb-law.com

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15 CERTIFICATE OF SERVICE

16 I hereby certify that on June 2, 2009, I electronically filed the foregoing with the
17 Clerk of the Court using the CM/ECF system which will send notification of such filing to
18 the attorney of record for the United States of America, Assistant United States Attorney
19 Susan Roe.

20 s/ Andrea Crabtree

21 ANDREA CRABTREE
22 Paralegal
23 SCHROETER GOLDMARK & BENDER
24 810 Third Avenue, Suite 500
25 Seattle, WA 98104
Phone: (206) 622-8000
Fax: (206) 682-2305
Email: crabtree@sgb-law.com